Please amend claim 68 as indicated below. A marked-up copy of the claim is provided in Appendix A.

A2

68. (Amended) A composition, comprising:

an agent comprising an isolated MIVR-1 nucleic acid molecule, and

a carrier.

Election

Applicants hereby elect Group 1 (claims 1-11 and 68 (in part)) drawn to nucleic acids encoding for, complementary to or able to hybridize under stringent conditions to nucleic acids encoding MIVR-1.

Remarks

Applicants have elected Group 1. Claims 12, 15, 17, 20, 31, 32, 39, 44, 48, 50, 52, 54-57, 63, 71 and 72 have been cancelled as being drawn to a non-elected invention. Applicants expressly reserve the right to file one or more divisional applications on the subject matter of the non-elected claims. Applicants have also amended elected claim 68. The new claims correspond to claims 5-8 as originally filed. All new claims fall within group I as defined in the Office Communication mailed on September 10, 2002. No new matter has been added.

Applicants respectfully point out to the Examiner that the restriction requirement incorrectly states that claims 1-78 are pending. A preliminary amendment was filed on August 21, 2001 canceling claims 5-7, 13-14, 16, 18-19, 21-30, 33-38, 40-43, 45-47, 49, 51, 53, 58-62, 64-67, 69, 70 and 73-78 to reduce the cost of filing fees and without prejudice to future prosecution. Therefore, claims 1-4, 8-11, 68 and 79-87 are pending following entry of this amendment.

Applicants also maintain that the F-I subgroup election is not required as the Group I claims are product claims without reference to disease.

Respectfully submitted,
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APPENDIX A
Marked up Version of Claim(s)

68. (Amended) A [pharmaceutical] composition, comprising:

an agent comprising an isolated MIVR-1 nucleic acid molecule [selected from the group consisting of MIVR-1, IEX-1, VDUP-1, BTG-2, and TIS-11d, or an expression product thereof, in a pharmaceutically effective amount to treat a cardiovascular condition], and

a [pharmaceutically acceptable] carrier.